

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2004-538

September 28, 2004

MAINE PUBLIC SERVICE COMPANY  
Request to Construct Transmission Line  
of 100 or More Kilovolts from Limestone, Maine  
to Canadian Border Near Hamlin, Maine

ORDER GRANTING  
REQUEST FOR WAIVER  
OF NOTICE

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

---

**I. SUMMARY**

In this Order, we grant Maine Public Service Company's request for a waiver of the two-month notice of filing requirements set out in 35-A § 3133 and 3133-A pursuant to the authority delegated to the Commission in such statutory sections.

**II. BACKGROUND AND DECISION**

By way of a letter dated July 26, 2004, Maine Public Service Company (MPS) notified the Commission of its intent to file a request for a Certificate of Public Convenience and Necessity pursuant to 35-A M.R.S.A. § 3132 to construct a 138 kV transmission line originating in Limestone, Maine and extending to the Canadian border near Hamlin, Maine. In its letter, MPS stated that it anticipated filing its petition by September 1, 2004.

On September 8, 2004, MPS filed a letter with the Commission which stated that it would not be able to file its petition until October 1, 2004. The September 8, 2004 letter also informed the Commission that as part of the proposed transmission project, NB Power must construct approximately 1.5 miles of transmission line on the Canadian side of the border. According to MPS, NB Power has insisted upon a long-term transmission reservation to cover its portion of the construction costs. Therefore, MPS and NB Power have tentatively reached an agreement which would require MPS to take a reservation not to exceed 10 megawatts at a price determined by NB Power's cost estimates. MPS stated that as part of this proceeding, it would be seeking approval of the reservation agreement under 35-A M.R.S.A. § 3133-A. MPS requested that the Commission waive the notice requirements of § 3133-A in order to ensure that the construction of the Line 3875, if approved, can commence during the spring of 2005. A copy of the request for waiver was served on all proposed intervenors in this case.<sup>1</sup>

On September 10, 2004, WPS Energy Services, Inc. (WPS) filed a letter with the Commission requesting that MPS clarify that its request for a waiver of the two-month

---

<sup>1</sup> On August 24, 2004, a Notice of Proceeding was issued and served on all participants in Docket Nos. 2003-82 and 98-577. As of this date the Commission has received nine petitions for intervention.

notice requirement was only intended to apply to the 138 kV line and not to any transmission reservation on the proposed 345 kV tie between Bangor Hydro-Electric Company (BHE) and NB Power. No other objections have been received.

In a letter dated September 20, 2004, MPS responded to WPS's concern and stated that it was not seeking approval in this proceeding of any reservation on the 345 kV Bangor Hydro - New Brunswick line but only for its reservation on the 1.5 mile line to be built by New Brunswick to connect to MPS's proposed 138 kV line. In its letter, MPS noted that upon further review it was not clear whether approval of the proposed reservation was required under 35-A M.R.S.A. § 3133-A or under 35-A M.R.S.A. §3133. MPS indicated that it would be asking the Commission to clarify this issue as part of its petition for approval of the reservation.

Both 35-A M.R.S.A. § 3133-A, Significant Agreements and Contracts Relating to Transmission Capacity Prohibited Without Prior Order of the Commission, and 35-A M.R.S.A. § 3133, Purchase of Transmission Capacity Prohibited Without Prior Order of the Commission, require a utility to notify the Commission, no less than two months in advance, of its intent to file for a Certificate of Public Convenience and Necessity under such sections. Both statutory provisions also provide that the Commission may waive the notice requirement upon its own motion or request of any party.

We find that it is in the public interest for the request for the approval of MPS's construction of the 138 kV line and the request for the proposed reservation on the NB Power tie into such line to be considered together. We agree with MPS that none of the proposed intervenors in this matter would be prejudiced by the granting of the request for waiver.

Accordingly, we

**O R D E R**

That MPS's request for waiver of the notice requirements of either 35-A M.R.S.A. §§ 3133 and 3133-A, as applicable to MPS's petition for approval of a reservation on a 1.5 mile transmission line to be constructed by NB Power to tie into MPS's proposed 138 Kv line to be constructed from Limestone, Maine to the Canadian border near Hamlin, Maine is granted.

Dated at Augusta, Maine, this 28<sup>th</sup> day of September, 2004.

**BY ORDER OF THE COMMISSION**

---

Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
                                                 Diamond  
                                                 Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.